

U.S. Serial No 10/774,907
Amendment Dated November 23, 2005
Response To Communication Dated February 10, 2006

REMARKS

The pending application was filed on February 9, 2004 with claims 1-20. The Examiner issued a Non-Final Office Action dated July 25, 2005 rejecting claims 1-7 and indicating that claims 8-20 had been withdrawn. In particular, the Examiner rejected claims 5 and 6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. The Examiner rejected claims 1-5 and 7 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,976,444 to *Richards* and rejected claims 1-3 and 5-7 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,975,844 to *Milazar*. A response was filed November 23, 2005. The Examiner issued a communication on February 10, 2006 stating that the response was incomplete.

Claims 1-7 are pending in the patent application, and claims 8-20 have been withdrawn. Claims 2 and 5 have been canceled without prejudice, and claims 1, 3, 4, 6, and 7 have been amended. Claims 1, 3, 4, 6, and 7 remain pending in the application. In view of the arguments set forth below, claims 1, 3, 4, 6, and 7 are allowable, and the Examiner is respectfully requested to withdraw the rejections and issue a Notice of Allowance.

I. SUBSTANCE OF INTERVIEW

The Examiner and undersigned representative conducted a telephonic interview on Tuesday, March 7, 2006 and discussed the Communication dated February 10, 2006. The

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Examiner indicated that amended claim 1 was not directed to the elected species in Figures 5-8. No agreement regarding the claims was reached.

II. REJECTION UNDER 35 U.S.C. §112

The Examiner rejected claims 5 and 6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. In particular, the Examiner queried whether the phrase "at least one tooth" in claim 5 referred to the same tooth in claim 1. The Examiner concluded that for examination purposes the "at least one tooth" mentioned in claim 5, line 1 is the same tooth claimed in claim 2. The Examiner also stated that the phrase "an intersection" in claim 6 should be changed to "the intersection."

Claim 5 has been canceled without prejudice. Claim 6 has been amended to further limit the at least one first tooth and the at least one second tooth that are recited in amended claim 1. In addition, claim 6 has been amended as requested. Thus, the Examiner is respectfully requested to withdraw the rejection.

III. REJECTION OF CLAIMS 1-5 AND 7 UNDER 35 U.S.C. §102(e)

The Examiner rejected claims 1-5 and 7 under 35 U.S.C. §102(b) as being anticipated, and therefore unpatentable, in view of United States Patent No. 4,976,444 to *Richards*. The Examiner stated that *Richards* discloses a seal usable between two thermally movable

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components. The Examiner stated that *Richards* further discloses a seal comprising a body having a longitudinal axis and the body having a cross-section orthogonal to the longitudinal axis that has a first side, a second side generally opposite to the first side, a first end, and a second end generally opposite to the first end. The Examiner also stated that *Richards* discloses that the first end of the body is formed from a compliant material.

Claim 1 has been amended to state in relevant part "wherein the first and second sides have lengths longer than lengths of the first and second ends . . . [and] wherein the first end includes at least one first tooth extending from a region on the first end proximate to an intersection between the first end and the first side and extending toward the second side of the body and at least one second tooth extending from a region on the first end proximate to an intersection between the first end and the second side and extending toward the first side of the body" (emphasis added). In contrast, *Richards* discloses a seal having a plurality of teeth extending from an end of the seal generally away from the body of the seal in the same direction, not teeth of the claimed configuration. *Richards* does not disclose a first tooth extending from a corner of the first end formed by the first side of the body and a second tooth extending from a corner of the first end formed by the second side of the body, wherein the first tooth extends toward the second side of the body and the second tooth extends toward the first side of the body. In other words, *Richards* does not disclose teeth that extend from an end of a seal body and extend generally toward each other. Thus, for at least this

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reason, *Richards* does not anticipate amended claim 1 or those claims that depend therefrom. Therefore, the Examiner is respectfully requested to withdraw the rejection.

IV. REJECTION OF CLAIMS 1-3 AND 5-7 UNDER 35 U.S.C. §102(b)

The Examiner rejected claims 1-3 and 5-7 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,975,844 to *Milazar*. The Examiner stated that *Milazar* discloses a seal usable between two thermally movable components. The Examiner stated that *Milazar* further discloses a seal comprising a body having a longitudinal axis and the body having a cross-section orthogonal to the longitudinal axis that has a first side, a second side generally opposite to the first side, a first end, and a second end generally opposite to the first end. The Examiner also stated that *Milazar* discloses that the first end of the body is formed from a compliant material.

Claim 1 has been amended to state in relevant part "wherein the first and second sides have lengths longer than lengths of the first and second ends" Based on the interview with the Examiner, we believe that the Examiner has a misunderstanding regarding the claim language. Figures 5-8 of the pending application are partial cross-sectional views, as described in the brief description of the drawings. As set forth in the specification on page 6, the first side is identified with numeral 20, the first end is identified with numeral 24 and the second side is identified with numeral 24. The teeth claimed in claim 1 extend from an end of a seal in which the ends are shorter than the sides. In contrast, the teeth of *Milazar* extend

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from a single side of a seal, wherein the sides of the seal in *Milazar* are longer than the ends.

Thus, *Milazar* does not anticipate amended claim 1.

Claim 1 has also been amended to state in relevant part "wherein the compliant material includes at least one first tooth extending from a region on the first end proximate to an intersection between the first end and the first side and extending toward the second side of the body of the seal and at least one second tooth extending from a region on the first end proximate to an intersection between the first end and the second side and extending toward the first side of the body of the seal" (emphasis added). In contrast, *Milazar* discloses a plurality of teeth extending from a first side of a seal body, not teeth extending from a first end of a seal body that is shorter than the first and second sides of the seal body, as claimed in amended claim 1. Therefore, for at least these reasons, amended claim 1 is not anticipated by *Milazar*, and the Examiner is respectfully requested to withdraw the rejection.

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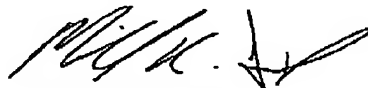
CONCLUSION

For at least the reasons given above, claims 1, 3, 4, 6, and 7 define patentable subject matter and are thus allowable. The undersigned representative thanks the Examiner for examining this application.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

No fees, in addition to the extension of time, are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Respectfully submitted,



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